

Minutes of Meeting
Health Services Council
Project Review Committee-II

DATE: 1 February 2007

TIME: 2:30 PM

LOCATION: Health Policy Forum

ATTENDANCE:

Committee II: Present: Victoria Almeida, Esq., (Vice Chair), Raymond C. Coia, Esq., Wallace Gernt, Sen. Catherine E. Graziano, RN, Ph.D., Robert J. Quigley, DC, (Chair), Larry Ross, Reverend David Shire (Secretary)

Not Present: Maria R. Gil, Rosemary Booth Gallogly

Excused Absence: Denise Panichas

Staff: Valentina D. Adamova, Michael K. Dexter, Joseph G. Miller, Esq., Jessica Chaput (Intern)

Public: (Attached)

1. Call to Order, Approval of Minutes, Conflict of Interest Forms and

Time Extension for the Minutes Availability

The meeting was called to order at 2:35 PM. The Chairman noted that conflict of interest forms are available to any member who may have a conflict. Minutes of the 25 January 2007 Project Review Committee-II meeting were approved. The Chairman requested a motion for the extension of time for the availability of minutes pursuant to the Open Meetings Act. A motion was made, seconded and passed by seven in favor and none opposed (7-0) that the availability of the minutes for this meeting be extended beyond the time frame provided for under the Open Meetings Act. Those members voting in favor were: Almeida, Coia, Gernt, Graziano, Quigley, Ross, Shire.

2. General Order of Business

The first item on the agenda was the application of Apria Healthcare, Inc. [Apria Healthcare Group, Inc.] for initial licensure of a Home Nursing Care Provider Agency at 70 Catamore Blvd in East Providence.

Mr. Piccirillo, Director of Operations for the Northeast Region, stated that the proposed head nurse lives approximately twenty minutes away from Rhode Island and can respond quickly to an emergency. He stated that Apria will train patients to take care of themselves at

home. There is an emergency number to call and an RN will respond in fifteen minutes. He stated that patients will be seen on a weekly basis.

The applicant stated that the proposed administrator would be Ms. McNeil, RN, who currently has a temporary nursing license in RI. There was discussion regarding her education and qualifications for the position.

The Chairman requested that the applicant provide in writing plans for dealing with emergency situations.

A motion was made, seconded and passed seven to in favor and none opposed (7-0) to recommend that the application be approved conditioned upon the receipt of the requested information. Those members voting in favor were: Almeida, Coia, Gernt, Graziano, Quigley, Ross, Shire.

The next item on the agenda was Radiation Oncology Associates, Inc.'s change order request to prior Certificate of Need applications to operate three linear accelerators.

Ms. Warren, legal counsel to the applicant, stated that Radiation Oncology Associates, Inc. ("ROC") and Vantage Oncology Treatment Centers ("Vantage") have formed a limited liability company known

as Providence Radiation Oncology Partners, LLC (“LLC”). ROA proposes to transfer its equipment to the LLC. The sole purpose of this partnership is financing capital, and ROA will continue to be in control of all medical issues and there will be no change in practice. ROA will hold 49% of the business and Vantage will hold 51%. Governance will be 50%/50%.

The Committee discussed whether the Change Order was the appropriate review process for this proposal. Legal counsel to the Department noted that an administrative decision was made regarding the appropriate review process for ROA. He noted that ROA is a professional service corporation and not a healthcare facility and there is no new equipment or expansion of service proposed. The Vice Chair concurred with the Department’s legal counsel.

Mr. Zubiago addressed the Committee and stated that ROA should submit a CON application. He noted that the Department originally concluded that this would require a CON review. He noted the proposed governing authority.

Mr. Cameron, legal counsel to the applicant, stated that the 50%/50% governance is in order to establish negative control. The reason for the 51%/49% ownership is solely for tax purposes.

There was discussion among the Committee members regarding the proposal and review process.

The Chairman requested that the applicant come back at a future date to clarify some of the issues.

Staff noted that there will be a special meeting of the Health Services Council on 6 February 2007.

There being no further business the meeting was adjourned at 3:55 PM.

Respectfully submitted,

Valentina D. Adamova